

**Baker & Hostetler LLP**

45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Marc E. Hirschfield  
Nicholas J. Cremona  
Oren J. Warshavsky  
Jessica Schichnes

*Attorneys for Irving H. Picard, Trustee  
for the Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

BENNETT M. BERMAN TRUST,

THE ESTATE OF BENNETT M. BERMAN,

JEFFREY BERMAN FOUNDATION,

Adv. Pro. No. 10-05293 (SMB)

JEFFREY A. BERMAN, individually, in his capacity as Trustee of the Bennett M. Berman Trust, in his capacity as trustee of the Jordan Finnegan Trust, and in his capacity as personal representative of the Estate of Bennett M. Berman, and

JEFFREY STAVIN, in his capacity as Trustee of the Bennett M. Berman Trust,

Defendants.

**STIPULATION AND ORDER OF VOLUNTARY DISMISSAL  
OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and defendants Bennett M. Berman Trust, the Estate of Bennett M. Berman, Jeffrey Berman Foundation, and Jeffrey A. Berman, individually, in his capacity as Trustee of the Bennett M. Berman Trust, in his capacity as trustee of the Jordan Finnegan Trust, and in his capacity as personal representative of the Estate of Bennett M. Berman (the “Berman Defendants”), by and through their counsel, Goodwin Procter LLP, and defendant Jeffrey Stavin (the “Stavin Defendant”, together with the Berman Defendants, the “Defendants”), by and through his counsel, Troutman Sanders LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 7, 2010, the Trustee filed and served the Complaint against the Defendants, among others.
2. On January 17, 2014, the Stavin Defendant served an answer on the Trustee.
3. On December 22, 2014, defendants Jeffrey A. Berman and Jeffrey Berman Foundation entered into a settlement agreement pursuant to the Settlement Procedures Order,

entered by this Court on November 12, 2010 [Dkt. No. 3181].

4. Jeffrey A. Berman represents that defendants Bennett M. Berman Trust and the Estate of Bennett M. Berman have been closed. The Stavin Defendant was sued in his capacity as trustee of the Bennett M. Berman Trust.

5. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to the dismissal with prejudice of the Trustee's claims against Defendants.

6. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

7. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: January 6, 2015

**BAKER & HOSTETLER LLP**

By: /s/ Marc E. Hirschfield  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: 212.589.4200  
Facsimile: 212.589.4201  
David J. Sheehan  
Email: dsheehan@bakerlaw.com  
Marc E. Hirschfield  
Email: mhirschfield@bakerlaw.com  
Nicholas J. Cremona  
Email: ncremona@bakerlaw.com  
Oren J. Warshavsky  
Email: owarshavsky@bakerlaw.com  
Jessica Schichnes

Email: jschichnes@bakerlaw.com

*Attorneys for Plaintiff Irving H. Picard, Trustee for  
the Liquidation of Bernard L. Madoff Investment  
Securities LLC*

**GOODWIN PROCTER LLP**

By: /s/ Christopher Newcomb  
The New York Times Building  
620 Eighth Avenue  
New York, NY 10018  
Telephone: (212) 459-7285  
Christopher Newcomb  
cnewcomb@goodwinprocter.com

Exchange Place  
Boston, MA 02109  
Telephone: (617) 570-1970  
David J. Apfel  
Email: dapfel@goodwinprocter.com

*Attorneys for Defendants Jeffrey Berman, the Estate  
of Bennett M. Berman, the Bennett M. Berman Trust  
and the Jeffrey Berman Foundation*

**TROUTMAN SANDERS LLP**

By: /s/ Stephen G. Rinehart  
The Chrysler Building  
405 Lexington Avenue  
New York, New York 10174  
Telephone: (212) 704-6305  
Stephen G. Rinehart  
Email: stephen.rinehart@troutmansanders.com

*Attorneys for Defendant Jeffrey Stavin*

**SO ORDERED** this 6<sup>th</sup> day of January, 2015.

/s/ STUART M. BERNSTEIN  
STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE